

BRYAN S. WESTERFELD (S.B. # 218253)
bwesterfeld@calemployerlaw.com

NICOLE E. WURSCHER (S.B. # 245879)
nwurscher@calemployerlaw.com

WALRAVEN & WESTERFELD LLP

101 Enterprise, Suite 350

Aliso Viejo, CA 92656

Telephone: (949) 215-1997

Facsimile: (949) 215-1999

R.J. ZAYED (MN ID #0309849)

zayed.rj@dorsey.com

STEPHEN P. LUCKE (MN ID #151210)

lucke.steve@dorsey.com

TIMOTHY BRANSON (MN ID #174713)

branson.tim@dorsey.com

Admitted pro hac vice

DORSEY & WHITNEY LLP

Suite 1500, 50 South Sixth Street

Minneapolis, MN 55402-1498

Telephone: (612) 340-2600

Facsimile: (612) 340-2868

Attorneys for Defendant UnitedHealth Group Incorporated;
and Defendants/Counterclaim Plaintiffs
United Healthcare Services, Inc., UnitedHealthcare
Insurance Company; OptumInsight, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALMONT AMBULATORY SURGERY
CENTER, LLC, *et al.*,

Plaintiffs,

v.

UNITEDHEALTH GROUP
INCORPORATED, *et al.*,

Defendants.

UNITED HEALTHCARE SERVICES,
INC., *et al.*,

Counter-Plaintiffs,

v.

ALMONT AMBULATORY SURGERY
CENTER, LLC, *et al.*,

Counter-Defendants.

Case No 2:14-cv-03053-MWF(AFMx)

**DECLARATION OF BRYAN S.
WESTERFELD IN SUPPORT OF
UNITED'S OPPOSITION TO
COUNTER-DEFENDANTS
JULIAN AND MICHAEL
OMIDI'S MOTION TO QUASH**

Case assigned to: Hon. Michael W.
Fitzgerald

Magistrate Judge: Hon. Alexander F.
MacKinnon

Disqualification Motion Referred to:
Judge Otis D. Wright II

1 I, **BRYAN S. WESTERFELD**, declare as follows:

2 1. I am a partner at the law firm of Walraven & Westerfeld LLP, attorneys for
3 Defendants and Counter-Plaintiffs in the above-captioned action. I make this
4 Declaration in support of United's opposition to Counterclaim Defendants' Motion to
5 Quash. This Declaration is based on personal knowledge and I would be able to testify
6 to the facts stated herein.

7 2. On January 22, 2016, Michael Rowe and I as counsel for United conferred with
8 Mr. Robert Rice, counsel for Julian and Michael Omid, regarding the Omidis' intention
9 to file a Motion to Quash. During this conference counsel for United indicated that it
10 had identified the bank accounts subject to its October 7, 2015, bank subpoenas in one
11 of these three ways: (i) publicly available information identifying the accounts seized
12 by federal prosecutors in its ongoing investigation related to the Omidis, (ii)
13 information gathered from the initial Wells Fargo subpoena; and (iii) accounts into
14 which fraudulently induced United checks were deposited.

15 3. Following that conference, on February 11, 2016, I sent Mr. Rice an email
16 reiterating the three ways in which United identified the bank accounts now at issue.
17 Attached hereto as **Exhibit 1** is a true and correct copy of my email to Mr. Rice.

18 4. One of the ways in which United learned of these bank accounts is through
19 publicly filed documents in other matters, including a matter in which Cindy Omid
20 petitioned the federal government for the return of certain seized assets. Attached
21 hereto as **Exhibit 2** is a true and correct copy of a seizure warrant executed against
22 twelve accounts held at Deutsche Bank Securities, Inc. This document was publicly
23 filed on March 13, 2015 in Case No. 2:15-cv-00389-ODW-VBK, Dkt. 13-8.

24 5. Attached hereto as **Exhibit 3** is a true and correct excerpt from the
25 Government's motion to dismiss Cindy Omid's petition for the return of funds in
26 which the Government identifies twelve Deutsche Bank Securities, Inc. accounts and
27 two Bank of America, N.A. accounts. This document was publicly filed on March 13,
28 2015 in Case No. 2:15-cv-00389-ODW-VBK, Dkt. 13.

1 6. Attached hereto as **Exhibit 4** is a true and correct copy of a Certification and
2 Notice of Interested Parties filed on January 30, 2015 in Case No. 2:15-cv-00389-
3 ODW-VBK, Dkt. 7, in which Counterclaim Defendants Cindy Omid and Property
4 Care Insurance, Inc. claim an interest in certain Deutsche Bank Securities, Inc. and
5 Bank of America, N.A. bank accounts.

6 7. Attached hereto as **Exhibit 5** is a true and correct copy of a document previously
7 produced by Wells Fargo and stamped WF_00066386 - WF_00066390 showing the
8 relationship between Wells Fargo account xxxxxx5471 and known Omid entity San
9 Diego Surgery, LLC, and Counterclaim Defendants Michael, Julian, and Cindy Omid.

10 8. Attached hereto as **Exhibit 6** is a true and correct copy of Plaintiffs and
11 Counter-Defendant Providers' Responses to United Defendants'/Counterclaimants'
12 First Request for Documents served on United on December 8, 2014.

13 9. Attached hereto as **Exhibit 7** is a true and correct copy of Plaintiffs and
14 Counter-Defendant Providers' Responses to United Defendants'/Counterclaimants'
15 First Set of Interrogatories served on United on December 8, 2014.

16 10. Attached hereto as **Exhibit 8** is a true and correct copy of Exhibit C to the
17 SACC, entitled "Checks Endorsed by Julian or Michael Omid."

18 11. Attached hereto as **Exhibit 9** is a true and correct copy of Exhibit D to the
19 SACC, entitled "United Checks Endorsed by Top Surgeons."

20 12. Attached hereto as **Exhibit 10** is a true and correct copy of Exhibit E to the
21 SACC, entitled "United Checks Deposited into Wells Fargo Bank Account A."

22
23 I declare under penalty of perjury under the laws of the United States of
24 America and the State of California that the foregoing is true and correct.

25 Dated: February 19, 2016

WALRAVEN & WESTERFELD LLP

26
27 By: 

Bryan S. Westerfeld